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Subject:	U.S. Serial No. 10/005,299 filed December 4, 2001 by Jian Qin K-C Docket No. 15,709 Response To Restriction Requirement "Absorbent Composites Having Cooling Effect"		

From:	Randall W. Fieldhack	Page:	1 of 16
Dept:	Legal Department	Date:	3-June-2005
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Response
Examining Group 1723

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Applicant:	Jian Qin	Docket No.:	15,709
Serial No.:	10/005,299	Group:	1723
Confirmation No:	8098	Examiner:	Michele M. Kidwell
Filed:	December 4, 2001	Date:	June 3, 2005
For:	ABSORBENT COMPOSITES HAVING COOLING EFFECT		

Response to Restriction Requirement With Traverse

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The listing of claims begins on page 3.

In response to the Restriction Requirement mailed October 21, 2003, and the Response to Amendment mailed May 3, 2005, Applicant respectfully **provisionally elects** the Species 1 claims to be prosecuted by way of the present application. That is, Applicant elects claims 2, 3, 6, 17-21, and 84-85 for prosecution in the present application. In addition, Applicant also chooses to pursue claims 1, 7, 9-16, 44-46, 83, and 88-97 because these claims are not within any of the Examiner-defined species, as explained below. Please see attached revised claim set.

This election is made **with traverse**. Applicant specifically reserves the right to seek patent protection for non-elected subject matter by divisional application, or by prosecution in the present application upon allowance of a generic claim.

Applicant respectfully submits that the Examiner's restriction requirement is in error for the reasons discussed herein.

Appl. No.: 10/005,299
Response dated June 3, 2005
Reply to Office Action of May 3, 2005

First, in the Office Action Summary, the Examiner has mischaracterized the application as having 83 claims pending. The application, in fact, has 97 claims pending.

Second, it appears that the same claims that might be described by Species 1 might also be described by Species 2; the Applicant is currently unable to differentiate between Species 1 and 2 without further explanation. If there is a typographical error in the description of either Species 1 or Species 2, the Applicant reserves the right to re-elect species if correction of such error affects the classification of Applicant's claims.

Third, the discrepancy in the number of claims examined may be one explanation why generic claims in the application were missed; these claims do not fall within any of the species outlined by the Examiner. The subject matter of claims 1, 7, 9-16, 44-46, 83, and 88-97 are not described in the Examiner's species, and in fact are generic to most of such species. Taking Claim 1 as an example, Claim 1 does not include, among other elements, a Species 1 "basic cooling compound"; a Species 2 "acidic absorbent material"; a Species 3 "basic absorbent material, an acidic cooling compound"; a Species 4 or 5 "disposable absorbent article"; a Species 6, 8, or 9 "superabsorbent"; or a Species 7 "method of provoking a child."